

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.15957 of 2018

Karthick

.. Petitioner

Vs

1.The Deputy Commissioner of Police,
CCB, Vepery,
Chennai.

2.The Inspector of Police,
CCB, Vepery,
Chennai-7
[Team-II]

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the first respondent Police to withdraw/recall
the Look Out Circular, which was issued against the petitioner
to the immigration and airport authorities concerned in Cr.No.11
of 2017 on the file of the respondent.

For Petitioner : Mr.K.Sendhilnaathan
For Respondents : Ms.P.Kritika Kamal,
Govt. Advocate [Crl. Side]

O R D E R

This petition has been filed to direct the first respondent
to withdraw the Look Out Circular issued against the petitioner
in Crime No.11 of 2017.

2.Heard the learned counsel for the petitioner; the learned
Government Advocate [Crl. Side] appearing for the respondents
and perused the materials placed on record.

3.On the complaint lodged by Sivanesan, the respondent
Police registered a case in Crime No.11 of 2017 on 10.01.2017
under Sections 406, 465, 467 and 471 IPC against Karthick. It
is the case of the de facto complainant that Karthick had
entered into a Joint Venture agreement with the de facto
complainant and others agreeing to demolish the building and
construct flats. It is further alleged that as per the

agreement, Karthick was allotted two flats and that he sold the undivided share of the land in the two flats and abandoned the project. The Police registered FIR and issued Look Out Circular. When Karthick came to Bangalore from Mauritius, he was arrested on 19.04.2018 and he was released on bail on 16.05.2018 in CrI.M.P.No.7914 of 2018 by the Sessions Court, Chennai. Under such circumstances, Karthick is before this Court for a direction to the respondent Police to withdraw the Look Out Circular.

4.Learned counsel for the petitioner submitted that Karthick had paid Rs.31,00,000/- to the MMDA and other authorities, but on account of fall in the real estate market, he was not able to complete the project. Learned counsel further contended that Karthick has taken up a construction work in Mauritius and if he completes the same, he will get some money, with that he will settle the de facto complainant.

5.Learned Government Advocate [CrI. Side] submitted that Karthick was not available for one year and was apprehended, pursuant to the Look Out Circular that was issued by the Police and that if he goes to Mauritius, he may not return.

6.Learned counsel for Karthick submitted that even the de facto complainant has given a letter dated 07.06.2018 to the Investigating Officer stating that he has no objection for Karthick travelling abroad for his business purposes.

7.This Court gave its anxious consideration to the rival submissions. The fact remains that Karthick was arrested, pursuant to the Look Out Circular and now he has been granted bail. There is sufficient force in the submission of the learned counsel for Karthick that, if Karthick is permitted to complete the assignments that have been taken by him in Mauritius, he will be in a position to pay the de facto complainant. At the same time, this Court should also ensure that Karthick does not abscond. In order to strike a fine balance, this Court directs the respondent Police to withdraw the Look Out Circular of Karthick, on he complying with the following conditions :

- i. he shall appear before the learned Chief Metropolitan Magistrate and execute a bond under Section 88 Cr.P.C. for Rs.10,000/- [Rupees Ten Thousand only] with two sureties, both sureties being his parents, undertaking to appear before the Police and the Court as and when required;
- ii. he shall file an undertaking affidavit giving his passport number, place of stay in Mauritius, period of stay, Mauritius mobile number and e-mail id;

iii.he shall deposit Rs.10,00,000/- [Rupees Ten Lakhs only] to the credit of Crime No.11 of 2017 before the Chief Metropolitan Magistrate, Egmore and on such deposit, the Magistrate shall re-deposit the amount in any nationalised bank so that the amount accrues interest and the same can be disbursed at the culmination of the prosecution depending upon the outcome. If Karthick absconds, the said sum with accrued interest shall be given to the de facto complainant;

iv.he shall also submit a photocopy of his passport to the Court and to the respondent police;

v.he shall return to India within six months from the date of departure and report to the Chief Metropolitan Magistrate, Egmore.

On fulfilling conditions No.(i), (ii), (iii) and (iv), the respondent Police shall withdraw the Look Out Circular.

8.Learned Government Advocate [Crl. Side] submitted that FIR in CCB Crime No.11 of 2017 is pending on the file of the Chief Metropolitan Magistrate, Egmore, but, whereas the sureties have been furnished by Karthick before the XIV Metropolitan Magistrate, Chennai. Hence, this Court directs the learned XIV Metropolitan Magistrate, Chennai to transfer all the case records relating to CCB Crime No.11 of 2017 to the file of the Chief Metropolitan Magistrate, Egmore, Chennai within one week from the date of receipt of a copy of this order.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1.The Chief Metropolitan Magistrate,
Egmore.

2.The XIV Metropolitan Magistrate,
Chennai.

3.The Deputy Commissioner of Police,
CCB, Vepery, Chennai.

4.The Inspector of Police,
CCB, Vepery, Chennai-7 [Team-II]

5.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Sendil Nathan, Advocate, S.R.No.40625

CRL.OP.No.15957 of 2018

GSP (27/06/2018)



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